

**Planning & Zoning  
Meeting Minutes  
November 15, 2010**

**ATTENDANCE:** Michael Fortner, Pete Reich, George Jack, Matt Oberholtzer, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Meeting called to order at 6:35 p.m.**

**APPROVAL OF MINUTES**

**MOTION** was made by Mr. Reich and seconded by Ms. Turgon to approve the July 19, 2010 Planning and Zoning Meeting minutes as written. Mr. Jack abstained-not in attendance. **Four in Favor. Motion Carried.**

**MOTION** was made by Mr. Jack and seconded by Ms. Turgon to approve the August 16, 2010 Planning and Zoning Meeting minutes as written. Mr. Reich abstained-not in attendance. **Four in Favor. Motion Carried.**

Motion to approve the September 20, 2010 Meeting Minutes failed due to a quorum not present of participating members. The minutes will be added to the next meeting's agenda.

**NEW BUSINESS:**

Mr. Fortner indicated we will discuss requirements of the Highway Corridor Overlay Zone and how it pertains to Zoning Certificate submittal.

Ms. Skilling stated we are struggling with some of these, where things come in, especially in the Highway Corridor Overlay District which happens to be obviously I-95, 222, and Route 40. It's not a real problem when we do new development. It seems to be pretty straightforward how we handle new development. It seems to be more of a concern when we get to things like redevelopment or a change of use in these areas. And where we can do some really good things in the change of use we've done that. In particular Mr. Patel's property, East Coast Liquors, we worked with them. What happened there is because of State Highway's regulations too they made them do more than what we would have normally had them do, which is actually extend that walkway over to All Signs. So what's happening when something comes in with a change in use we can make them do certain things and State Highways also is requiring certain things in those areas for the Highway Corridor Overlay and what they're doing is of course some of the sidewalks and making everything ADA accessible. So one of the things that we're struggling with is when a new use comes in. In the past there were some approvals for a use change, a redevelopment for a property, mostly redevelopment. It was not really a change in use but a redevelopment where something could have happened on the Route 40 corridor and it didn't happen. Now it's coming back where part of that piece of

property is now being changed and there is a new change for a piece of this property and it happens to be the piece on the corner of Route 40 and 222. So what we have is a piece of property where in fact there might be some changes where we have some concerns and we don't really know how we should do it. (Ms. Skilling distributed copies of a map of the area to members; attached separately.) It is the piece right next to the Middle School, the Mom's Kitchen property. Some time ago this piece of property was approved but as far as upgrades nothing was done along there. Now they're coming in with some potential of a retail type store in the currently empty space. They want to do some kind of retail. There have been many uses and now they want to do some kind of retail. So something that was brought up to us was we should make them do something, because it's in the Highway Corridor Overlay District. The problem I'm having is if you look at the map, what you're seeing here is this is all the right-of-ways. Now it's all that green space in front there.

Discussion continued about the grass strip that is entirely in the road right-of-way. There had been jersey walls that were removed when Mom's Kitchen opened. Most of the property is for parking. There is some consideration to dig up some of the parking and do some plantings for buffer, but that won't leave enough area for required parking. We would like to see something nice out there. The new tenant applied for the Zoning Certificate in order to get approval to establish his business, and will occupy only the section of the property where the old consignment shop used to be. The rest of the property will remain the same.

Discussion continued about other locations in the overlay zone that had to make improvements.

Ms. Skilling stated this is not a development plan. It's just a Zoning Certificate on property or part of a property that is already developed. If there was application made for a building permit for say an addition to an existing building, they would need to comply with the regulations, to the extent possible. And that's where we are.

Discussion continued whether the owner of the property has to submit anything prior to leasing this out for any period of time. If there is a way in which we could make the owner or have them come in, we could warn them that from now on any leasing or redevelopment or change of use has to come up to this regulation. I don't think it's fair for this guy to be put in this situation but I think the owner of the property should be put in that position.

Ms. Skilling indicated it's not really a change in use. In 2008 we allowed Mom's Kitchen and nothing happened and we allowed that. They didn't have to do anything. The Highway Corridor Overlay Zone was in effect at that time but nothing happened. How do we, this is the one property along there that doesn't have sidewalks. It would be great because it's there at the middle school. It would be nice to have sidewalks there but I don't think we can have them do that.

Discussion continued how you could put a sidewalk in there that would be in the road right-of-way and it would be no more than one hundred (100) feet at most because you have the entrance to the driveway, the exit, then you have wall, then the 7-11 and it has two driveways. It would be very difficult to do that.

Ms. Skilling indicated this is our dilemma and it has been suggested that maybe we should look into having them get something done there. The only other way because of the site constraints maybe we could suggest that they do something there by way of some kind of buffering with plantings.

Discussion continued regarding possible landscaping for buffering on the property without causing safety problems and other changes that could be done to the property without affecting the existing parking. Also, if there is ever a change in ownership they should have to do something. In regard to sidewalks, for what purpose would it accomplish? It would allow pedestrians to get to the 7-11 but the biggest thing is to get across the highway. There are still a lot of people walking there but only having a sidewalk in between there and the 7-11 doesn't make any sense. Ultimately we would like to see sidewalks all the way down 40 and especially at the light because that would make a safer crossing. Eventually it should be every property owner should be held responsible. Town residents walk the area on a regular basis including the use of electric wheelchairs. Crosswalks are on the west side of that intersection but there is no crosswalk going from west to east going on either side of the road, where all the businesses are located. We don't even have in Town a crosswalk for people to stop as a pedestrian zone, on either side of that road. Recommendation was made to us for the Planning Commission to take a look at the area to see if there was anything that could be done since it was in the Highway Corridor Overlay Zone. Previous approval for a restaurant at the site required removal of jersey walls and a small outdoor eating patio added with a couple of tables and chairs. There is another approach that we could encourage the property owner to do improvements because it would eventually be for his benefit if it changes ownership.

Discussion continued regarding submittals. Any time there is a change in use or new tenant at a site, the new tenant or property owner should submit a Zoning Certificate for the Town to make sure the change is permitted in that zone. Some negotiation and decisions can be made for improvements to a site to the extent possible, however many areas are grandfathered pieces of land. It is difficult for this particular piece of property to make them do anything and maybe it will require discussion with the property owner to see what can be done at this point. Also, to check with SHA since they own so much right-of-way through there if egress and ingress to the property is sufficient.

Discussion continued about the feasibility of plantings on the property and possibilities of impeding traffic or visibility. Most of the site is impervious surface for sufficient parking and the grassy area is the SHA right-of-way. Instead of a sidewalk, maybe a crosswalk type pattern could be painted. Just as a guide to automobiles that someone may cross there and it would give guidance to pedestrians as this is the place to go safely, a series of

lines that would guide the pedestrians and also notify the motorists coming in or out that they need to pause there and look.

Discussion continued about safety crossing Route 40 and the need for crosswalks on all corners. These are issues that are currently being looked at by State agencies. There have been meetings to discuss the Route 40, 222, and I-95 corridor and the Town is on the committee. Truck traffic is also bad at this intersection when utilizing turns. There are no sidewalks in front of Royal Farms in either direction and walking is dangerous. Also, the State has designated bike lanes on Route 40 but once they get to the intersection there is no where to go because bikes are not allowed on the bridge. The entire intersection needs to be upgraded and it is being looked at. This is a great opportunity for the Town to look at where we really can make improvements. There are a number of developments in the Town and Woodlands has a trail system planned along Route 40. With future improvements Coudon Boulevard will be developed with sidewalks and crosswalk across Route 40 at that point instead of at 222 providing a safer crossing since most people go to the shopping center.

**Motion** was made by Mr. Reich and seconded by Ms. Turgon to adjourn the meeting at 7:10 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator